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MEMO ENDORSED

January 9, 2019

Honorable Judge Katherine Polk Failla
United States District Judge
U.S. District Court for the Southern District of New York
40 Foley Square
New York, New York 10007

VIA ECF

*Re: Application of the Reporters Committee for Freedom of the Press to
Unseal Certain Search Warrant Applications and Related Judicial
Documents (18-mc-0320 (KPF))*

Dear Judge Failla:

Petitioner Reporters Committee for Freedom of the Press (the “Reporters Committee”) and the U.S. Attorney’s Office for the Southern District of New York (“USAO”) write in response to the Court’s orders dated August 10, September 18, and October 24, 2018 (Docket Nos. 7, 12, and 15) directing the parties to submit a joint letter proposing how the above-captioned case should proceed, as well as the Court’s order dated December 26, 2018, setting a status conference in this matter for January 16, 2019.

Since entry of the Court’s October 24, 2018 order, counsel for the Reporters Committee and the USAO have met and conferred on a number of occasions regarding the legal issues presented and the scope of the relief sought by Petitioner in this matter. Those meet-and-confer discussions have been productive. Among other things, those discussions identified a need on the part of Petitioner to clarify one aspect of the relief sought by its application, which Petitioner has addressed through the filing of a motion for leave to amend on December 21, 2018 (Docket No. 16). That motion to amend was granted by order of the Court dated December 26, 2018.

Through their meet-and-confer discussions to date, the Reporters Committee and the USAO have also identified a number of practical considerations—including, for example, the manner in which applications for warrants under the Stored Communications Act (“SCA”), 18 U.S.C. §§ 2701–2712, are filed and docketed in this District—that are relevant to the issues raised by the Reporters Committee’s application. In light of these discussions, both the Reporters Committee and the USAO believe that it would be most productive for the parties to engage in further discussions regarding public access to the types of records at issue in this litigation on a forward-looking or prospective basis, with the goal of providing joint recommendations to the Court.

Accordingly, the Reporters Committee and the USAO respectfully request that the Court stay proceedings in this matter until July 1, 2019, to allow the Reporters Committee and the USAO an opportunity to work in good faith in an attempt to identify and jointly recommend to the Court prospective measures that the parties agree would resolve this pending litigation. Because any prospective measures would likely involve the Clerk of the Court, the Reporters Committee and the USAO would also respectfully request that the Court advise the Clerk of the Court of the parties' efforts in this regard and authorize the Clerk to continue to provide input on this matter.

In the event the Court declines to stay proceedings in this matter, the parties will promptly submit a joint proposed briefing schedule to the Court.

Respectfully submitted,

s/ Katie Townsend
Katie Townsend
Counsel for the Reporters Committee

GEOFFREY S. BERMAN
United States Attorney

by: s/ Janis Echenberg
Janis Echenberg / Anna Skotko
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Application GRANTED. This case is stayed until July 1, 2019. The parties are directed to submit a joint status update to the Court on July 1, 2019.

The Clerk of Court is advised of the parties' continuing efforts and authorized to provide input on this matter.

Dated: January 10, 2019
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE